

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Proceeding by the Department of Telecommunications
and Energy on its own Motion to Implement the
Requirements of the Federal Communications
Commission's Triennial Review Order Regarding
Switching for Mass Market Customers

D.T.E. 03-60

**AT&T's ASSENTED-TO MOTION FOR MODIFICATION OF THE
DEPARTMENT'S PROCEDURAL SCHEDULE**

AT&T Communications of New England, Inc. ("AT&T") respectfully requests that the Department modify the procedural schedule issued on November 24, 2003, so as to include the following extensions of time: (1) an additional two weeks and one day for competitive local exchange carriers ("CLECs") who are parties to this proceeding to prepare their rebuttal testimony; (2) an additional two weeks and five days for Verizon-Massachusetts ("Verizon") to prepare its reply testimony; and (3) an additional four days of discovery. Neither the hearing dates nor any other portion of the Department's schedule would be affected by this motion. AT&T sets forth below a revised procedural schedule reflecting these requested modifications.

Argument.

The procedural schedule currently in effect requires CLECs to file their rebuttal testimony by January 22, 2004. In light, however, of the volume and pace of discovery in this proceeding, CLECs will have difficulty analyzing and incorporating discovery responses into their rebuttal testimonies by this date: not only are responses to information requests still flowing in; but significant sets of information requests by the Joint Parties, by Conversent, by MCI and by AT&T have been issued in the past two weeks both to Verizon and to CLECs, the answers to which will be important in refining the issues for litigation. In addition, continuing

analysis of Verizon's case and discovery responses submitted to date has revealed the need for some, albeit limited, additional discovery. Extending by approximately two weeks the deadline for CLECs to file their rebuttal testimonies will allow CLECs much-needed additional time to address discovery responses. As a result, the CLECs' arguments will be more fully developed and the issues at stake in this proceeding more sharply joined.

If CLECs are granted the requested extension, Verizon should receive a similar extension for filing its reply testimony so that it suffers no prejudice. Furthermore, so that all parties have as much time as is reasonably possible to test rebuttal and reply testimonies, the close of discovery should be briefly extended; granting parties four extra days to conduct discovery will give them additional time without impinging on the rest of the Department's November 24 procedural schedule.

Finally, hearing schedules in other states make it difficult to meet the current, January 22, deadline for CLECs to file their reply testimony. During the week of January 12 the New York Public Service Commission is holding hearings regarding hot cut costs and process in Case No. 02-C-1425. During the week of January 19 the Connecticut Department of Public Utility Control is holding hearings in phase I of its UNE impairment proceeding, Docket No. 03-09-01. Attorneys and subject matter experts who must work on AT&T's testimony in this proceeding before the DTE are required to be focusing their attention elsewhere during these two weeks, making it extremely difficult, if not impossible, to meet the current January 22 deadline.

In support of this motion, AT&T states that no party will be prejudiced by the brief extensions of time sought herein and that both Verizon and MCI, through their counsel, have given their assent. (Other parties could not be reached in time for the filing of this motion.)

Because, moreover, this motion does not seek any changes in the scheduled dates for hearings and for filing initial and reply briefs, granting the motion will not lengthen this proceeding and will therefore not affect the Department's timetable for implementing the requirements of the Triennial Review Order.

Conclusion.

In accordance with the modifications described above, AT&T requests that the Department adopt the following revised schedule. (All changes from the November 24, 2003 schedule are in bold type.)

February 6, 2004	CLEC rebuttal testimony due.
February 25, 2004	Verizon reply testimony due.
March 12, 2004	Discovery period closes.
March 22, 2004 –April 2, 2004	Hearings.
April 20, 2004	Initial briefs due.
May 3, 2004	Reply briefs due.

Respectfully submitted,

**AT&T COMMUNICATIONS OF NEW
ENGLAND, INC.**

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